

Stark County Planning and Zoning Commission Minutes

November 26, 2019

3:00 PM

Chairman Dean Franchuk called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Dean Franchuk, Carla Arthaud, Sue Larsen, Sandra Kuntz and Kurt Froelich, Byron Richard and Daneen Dressler were present, and absent were Scott Decker and Sarah Trustem. Also present were County Planner Steve Josephson and Nicole Roberts of the Auditor's office.

Kurt Froelich moved to approve the minutes from the October 31, 2019 meeting. Sue Larsen seconded. All voted Aye and motion carried.

Chairman Franchuk opened the public hearing for **CUP 04-19 Central Dakota Frontier Cooperative**. The request is a conditional use permit for an anhydrous ammonia storage facility on a property located in the NW ¼ of the NW ¼ of Section 33, Township 137, Range 94 containing approximately 158.5 acres on an approximately five (5) acre tract.

Chairman Franchuk asked anyone to speak either for or against the zoning change for Central Dakota Frontier Cooperative. Chairman Franchuk closed the hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval for CUP 04-19 a conditional use permit for an anhydrous ammonia storage facility on a property located in the NW ¼ of the NW ¼ of Section 33, Township 137, Range 94 containing approximately 158.5 acres on an approximately five (5) acre tract, following staff recommendations for Central Dakota Frontier Cooperative.

Carla Arthaud seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions
 - a. **Development shall be limited to two 30,000-gallon anhydrous ammonia storage facilities.**
 - b. **The location of the anhydrous ammonia storage facility shall be as generally shown on the drawing on the application received on October 25, 2019.**
 - c. **The developer shall be responsible for all maintenance associated with the anhydrous ammonia facility.**
 - d. **Prior to the development of the site, the applicant shall contact the Stark County Road Superintendent regarding access to the site.**
 - e. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - f. **Development of the anhydrous ammonia storage facility shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses.**

Chairman Franchuk opened the public hearing for **Jodee Heim**. The request is for **RZ 14-19** a rezoning from Residential, Agricultural to Agricultural Residential on a property located at 10472 36th Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres.

Chairman Franchuk asked anyone to speak either for or against the zoning change for Jodee Heim. Chairman Franchuk closed the hearing.

Carla Arthaud moved to recommend to the Stark County Board of Commissioners the approval of RZ 14-19 for a rezoning from Residential, Agricultural to Agricultural Residential on a property located at 10472 36th Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres, following staff recommendations for Jodee Heim.

Daneen Dressler seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chairman Franchuk opened the public hearing for **Jodee Heim**. The request is for **CUP 05-19** a conditional use permit for a kennel on a property located at 10472 36th Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres.

Chairman Franchuk asked anyone to speak either for or against the conditional use permit for Jodee Heim. Chairman Franchuk closed the hearing.

Byron Richard moved to recommend to the Stark County Board of Commissioners the approval of CUP 05-19 for a conditional use permit for a kennel on a property located at 10472 36th Street SW in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 33.65 acres, following staff recommendations for Jodee Heim.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and

2. The conditional use shall be limited through the inclusion of the following conditions:
 - a. **The Conditional Use Permit shall be limited to a kennel.**
 - b. **Development and operation shall be in accordance with the application materials received by Stark County dated October 30, 2019.**
 - c. **The maximum number of animals shall be limited to 10 small and medium sized dogs. Guidelines for the size of the animals shall generally be those of the American Kennel Association.**
 - d. **The maximum number of full-time employees per shift shall be two (2).**
 - e. **Hours of operation for the kennel shall be 7 a.m. to 7 p.m.**
 - f. **No animals shall be allowed outside from 8 p.m. to 7 a.m.**
 - g. **All runs and kennel areas shall be fenced with solid wood or chain-link fencing, or with a stone or masonry wall. The fence or wall shall be of quality material and be neat in appearance.**
 - h. **The kennel shall not generate adverse off-site noise or odor impacts.**
 - i. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - j. **The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
 - k. **Operation of the kennel shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The proposed conditional use is consistent with the following objectives of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses; and**
- **ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.**

Chairman Franchuk opened the public hearing for **Justin and Melanie Young**. The request is for **RZ 15-19** a rezoning from Agriculture to Agricultural Residential on a property located at 4617 109F Avenue SW in the NW ¼ of the NE ¼ of Section 26, Township 138, Range 96 containing approximately 12.68 acres.

Chairman Franchuk asked anyone to speak either for or against for the rezoning from Agriculture to Agricultural Residential for Justin and Melanie Young.

Daneen Dressler moved to recommend to the Stark County Board of Commissioners the approval for RZ 15-19 a rezoning from Agriculture to Agricultural Residential on a property located at 4617 109F Avenue SW in the NW ¼ of the NE ¼ of Section 26, Township 138, Range 96 containing approximately 12.68 acres, following staff recommendations for Justin and Melanie Young.

Carla Arthaud seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chairman Franchuk opened the public hearing for **Emery Walker**. The request is for **MSP 07-19** a Minor Subdivision Plat of the Emory Walker 2nd Subdivision described as Lot 1 and the remainder of Lot 2 located in the NE ¼ of Section 4, Township 140, Range 99 containing approximately 58.08 acres.

Chairman Franchuk asked anyone to speak either for or against the Minor Subdivision Plat for Emory Walker. Chairman Franchuk closed the hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval for MSP 07-19 a Minor Subdivision Plat of the Emory Walker 2nd Subdivision described as Lot 1 and the remainder of Lot 2 located in the NE ¼ of Section 4, Township 140, Range 99 containing approximately 58.08 acres, following staff recommendations.

Byron Richard seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed plat received on November 4, 2019.

Planner Items

County Planner Steve Josephson presented the draft 2020 Planning and Zoning Commission meeting schedule. The schedule will be finalized after the County Commission adopts its 2020 meeting schedule.

Carla Arthaud moved to adjourn. Sandra Kuntz seconded.